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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,309	12/15/2003	Thomas E. Creamer	BOC9-2003-0058 (429)	5479
40987	7590	05/01/2007		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			05/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,309

Applicant(s)

CREAMER ET AL.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/05/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

I. Applicant's arguments filed 02/05/2007 have been fully considered but they are not persuasive. Claims 1-21 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fors et al. (Pub. No: 2004/0146021).

Regarding claim 1, Fors et al. disclose a gateway 214 serving as an interface between a mobile network 251 and/or 250 and a wireless network 212 and/or 210 (fig. 2a, [0017]. Specifically, Fors et al. disclose the cellular network of communication system 200 includes known radio access network (RAN) and WLAN), wherein the gateway 214 is configured to appear as an additional mobile data base station of the mobile network to a mobile switching center of the mobile network (fig. 2b, [0019] and [0024]. Specifically, Fors et al. disclose cellular interworking device 216 also keeps subscriber profile, supports authentication, supports registration); and

wherein said gateway is configured to send a heightened signal strength indicator to the mobile switching center for prompting the mobile network to recognize the gateway as a

preferred path for handing off a call from a mobile data base station of the mobile network currently handling the call (fig. 2a, [0028] to [0033]).

Regarding claim 2, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway wherein the signal strength indicator is fabricated ([0030] to [0033]).

Regarding claim 3, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway wherein the wireless network is configured according to one of the 802.11 wireless communications protocols ([0016] to [0018]).

Regarding claim 4, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway wherein the gateway 214 routes the call from the mobile switching center 251 to a wireless access point 210 of the wireless network via a packet-switched network 211, such that the call is conducted via a wireless communications link using the wireless access point (see fig. 2a, [0028] to [0033]).

Regarding claim 5, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway (see fig. 2b, [0019]) further comprising: a mobile network interface 251 comprising a transport interface configured to exchange mobile control channel signaling data with the switching center and a voice channel interface configured to exchange audio data with the mobile switching center (see fig. 2b, [0019] and [0032] to [0033]); a mobile control and messaging component 216 configured to communicate with the mobile switching center via said transport interface (see fig. 2b, [0019] and [0027] to [0033]); a call control component configured 216 to format the mobile control channel signaling data from the mobile switching center for use over the packet-switched network (see fig. 2b, [0019] and [0027] to [0033]); a

voice media conversion component 212 and 213 configured to format voice data for sending using a real-time streaming protocol over the packet-switched network (see fig. 2b, [0019] to [0022] and [0029] to [0033]); and an interface 215 to exchange call control data and voice data with the packet-switched network (see fig. 2b, [0019] and [0027] to [0033]).

Regarding claim 6, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway wherein the interface to the packet-switched network is a Session Initiation Protocol interface ([0016]-[0021]).

Regarding claim 7, Fors et al. disclose within a gateway interface, a method of call control between a mobile network and a wireless network comprising: establishing, with a mobile switching center of said mobile network, a control messaging link for exchanging mobile control channel signaling data and a voice channel link for exchanging audio data for a mobile call (fig. 2a and fig. 2b, [0016] to [0033]), wherein the gateway is configured to appear as an additional mobile data base station of the mobile network to a mobile switching center of the mobile network (fig. 2b, [0019] and [0024]. Specifically, Fors et al. disclose cellular interworking device 216 also keeps subscriber profile, supports authentication, supports registration);

sending a heightened signal strength indicator to the mobile data base station currently handling the mobile call for prompting the mobile network to recognize the gateway as a preferred path for handing off the mobile call ([0028] to [0033]); establishing a communications link with a packet-switched network (fig. 2a and fig. 2b, [0027] to [0033]); and

routing the mobile call from the said mobile data base station to a wireless access point via the packet-switched network, such that the call is conducted via a wireless communications

Art Unit: 2617

link using the wireless access point (fig. 2a and fig. 2b, [0027] to [0033]. Inherently, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 8, Fors et al. disclose all the limitation in claim 7. Further, Fors et al. disclose the gateway wherein the signal strength indicator is fabricated ([0028] to [0030]).

Regarding claim 9, Fors et al. disclose all the limitation in claim 7. Further, Fors et al. disclose the gateway said routing step comprising routing the mobile call to the wireless access point via the packet-switched network using Session Initiation Protocol ([0016]-[0033]).

Regarding claim 10, Fors et al. disclose all the limitation in claim 7. Further, Fors et al. disclose the gateway wherein the wireless access point is an 802.11 compliant wireless access point and the wireless network is configured according to one of the 802.11 wireless communications protocols ([0016] and [0021]).

Regarding claims 11 & 15, these claims are rejected for the same reason as set forth in claim 7.

Regarding claims 12 & 16, these claims are rejected for the same reason as set forth in claim 8.

Regarding claims 13 & 17, these claims are rejected for the same reason as set forth in claim 9.

Regarding claims 14 & 18, these claims are rejected for the same reason as set forth in claim 10.

Regarding claim 19, Fors et al. disclose a method for mobile device handoff between a mobile network 250 and/or 251 and a wireless network 210 and/or 211 (fig. 2a [0017]) comprising:

on a mobile device 201, detecting a wireless access point 210 (fig. 2a, [0028] to [0033]);

on said mobile device, lowering a transmission power to said mobile network (fig. 2a, [0030] to [0033]);

on said mobile network 250 and/or 251, identifying system available to handle communication with said mobile device (fig. 2a, [0028] to [0033]); and

on a gateway 214 associated with said mobile device 210, indicating to said mobile network 250 and/or 251 that a heightened signal strength has been received from the mobile communication device for prompting the mobile network to handoff to said gateway for providing connectivity between said mobile device and said wireless access point (fig. 2a, [0028] to [0033]), wherein said heightened signal strength is not indicative of actual signal strength of said mobile device (fig. 2a, [0028] to [0033]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fors et al. (Pub. No: 2004/0203788) in view of Higuchi (Pub. No: 20050286501).

Regarding claim 20, Fors et al. disclose all the limitations in claim 19. Further, Fors et al. disclose the method further comprising on said mobile device, sending an invite through a wireless network to an IP network (fig. 2a, [0016]-[0034]);

on said gateway, forwarding said invite to said CAG 214 via Internet (fig. 2a, [0016]-[0034]); and authenticating a SIP user agent on said mobile device (fig. 2a, [0022]-[0029]). However, Fors et al. do not disclose a SIP server.

In the same field of endeavor, Higuchi discloses a SIP server ([0027]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of Fors et al. by specifically including a SIP server, as taught by Higuchi, the motivation being in order to improve voice quality by reducing delays in the transmission of voice IP packets even when there is an increase in IP communication traffic. Additionally, it is possible to reduce the amount of firewall processing, to dispense with the need to provide the firewall with sophisticated functionality and to hold down cost.

Regarding claim 21, the combination of Fors et al. and Higuchi disclose all the limitations in claim 20. Further, Fors et al. disclose the method further comprising: upon authenticating said SP user agent, setting up an internet protocol (IP) streaming session between said gateway and mobile device ([0021] to [0033]); switching over from said mobile data base station currently handling communications with said mobile device to said gateway; and tearing down communications between said mobile network and said mobile device, for handing off said mobile device from a mobile network to a wireless network ([0021] to [0033]).

Response to Argument

6. Applicant, on page 11 of his response, argues that Fors fails to disclose a transfer method that requires only the concerted actions of a specially configured gateway and mobile device to initiate a transfer. However, the Examiner respectfully disagrees. First, in response to

applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a transfer method that requires only the concerted actions of a specially configured gateway and mobile device to initiate a transfer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Second, the Applicant fails to particularly point out the novelty and how these distinguish from the applied prior art or which limitations that priors do not teach.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 04/24/07



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